

REMARKS

The Examiner Action of April 9, 2003 has been received and its contents carefully considered. Reconsideration is respectfully requested in view of the instant Submission, including Amendments and Remarks.

Claims 25-48 have been cancelled. New claims 49-59 are being submitted herein, and are the pending claims in the instant application.

I. Telephonic Interview

Applicant would like to thank the Examiner for the telephonic interview of May 27, 2003, during which the merits of Small, Sandstrom and Wang were discussed in relation to the present invention. During the interview, the Examiner noted that he would consider further claims directed to the manner in which the apparatus and method of the present invention contemplate applying a force to the shingle in order to remove the shingle. The instant Submission is being filed as a result of that telephonic interview.

II. Corrected Drawings

Corrected drawings are being submitted herein in response to a request for the same in the Office Action. The corrections pertain to a typographical error with respect to the reference numeral used for the linking member 30. The submission of formal drawings is being delayed until allowance of the application.

III. Amendments to Specification

The specification has been amended where necessary to establish consistency with the language of the new claims. No new matter has been added.

IV. Rejections under Section 112, Second Paragraph

Claims 35-41 have been rejected under the second paragraph of Section 112 for being indefinite. The rejection of claims 35-41 has been rendered moot in view of the cancellation of those claims. It is submitted that the new claims are in full compliance with the requirements of Section 112.

V. Rejections under Sections 102(b) and 103(a)

Claims 25-27, 29, 31, 42-44, 46 and 48 were rejected under Section 102(b) as being clearly anticipated by Small. Moreover, claims 32-34 were rejected under Section 103(a) as being unpatentable over Small. In addition, claims 28, 30, 45 and 47 were rejected under Section 103(a) as being unpatentable over Small in view of Sandstrom or Wang.

The rejection of the claims under Sections 102(b) and 103(a) has been mooted by virtue of the cancellation of those claims.

It is further submitted that the cited references, either alone or in combination, fail to disclose or even suggest:

- (a) an apparatus for gripping and removing a shingle fixed to a support or substrate, where the apparatus comprises: an upper gripping member defining a

substantially flat first gripping surface a lower gripping member defining a substantially flat second gripping surface; a gripping mechanism connecting the upper and lower gripping members to one another, the gripping mechanism being configured for urging the gripping members toward one another for gripping the shingle there between; and an impact transmitting member connected to the gripping mechanism, the impact transmitting member being configured for transmitting an impact to the upper and lower gripping members for removing the shingle from its support when the shingle is gripped between the upper and lower gripping members, wherein the first and second gripping surfaces are configured and disposed relative to one another such that, when the apparatus grips the shingle, each of the first and second gripping surfaces applies a force distributed across a respective one of substantially flat surfaces of the shingle; and wherein the impact transmitting member is further configured and disposed for transmitting the impact substantially parallel to the flat surfaces of the shingle, as recited in new independent claim 49; and

(b) a method for removing a shingle fixed to a support, where the method comprises: gripping the shingle between a first flat gripping surface and a second flat gripping surface of respective upper and lower gripping members of a gripping apparatus such that each of the first and second flat gripping surfaces applies a force distributed across a respective one of flat surfaces of the shingle; and transmitting an impact to the upper and lower gripping members in a direction substantially parallel to the flat surfaces of the shingle when the shingle is gripped there between for removing the shingle from its support, as recited in new independent claim 56.

The above features are simply missing from the cited references.

Accordingly, it is submitted that new independent claims 49 and 56 are patentable over the cited references, either alone or in combination. In addition, it is submitted that new dependent claims 50-55 and 57-59 are likewise patentable over the cited references, either alone or in combination, for being dependent on corresponding ones of independent claims 49 and 56, and further for the particular additional features that they recite.

CONCLUSION

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration, withdrawal of all grounds of rejection and issuance of a Notice of Allowance are solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 11-0600. The Examiner is invited to contact the undersigned at (202) 220-4296 to discuss any matter regarding this application.

Respectfully submitted,
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Date: 06-09-03


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